

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/406,832 09/28/99 YUGAWA

K 43888-067

020277

IM22/0416

MCDERMOTT WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON DC 20005-3096

EXAMINER

NOGUEROA, A.

ART UNIT

PAPER NUMBER

1743

6

DATE MAILED:

04/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

<b>Office Action Summary</b>	Application No. 09/406,832	Applicant(s) YUGAWA ET AL.	
	Examiner ALEX NOGUEROLA	Art Unit 1743	

-- The MAILING DATE of this communication appears on the reverse with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 28 September 1999.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-4 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All   b) ☐ Some \* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u>	20) <input type="checkbox"/> Other: _____

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being clearly anticipated, with respect to claims 1 and 4, or anticipated, with respect to claims 2 and 3, by Crismore et al. (US 5,997,817).

Addressing claim 1, for the base plate, electrode system, and claimed reaction layer see the abstract; Figures 1, 2, and 5; column 5, lines 60-67; col. 6, ll. 41-61.

Addressing claim 2, although the Crismore patent does not state that the enzyme is coated with the additive, this limitation is anticipated because enzyme is mixed with the solution containing the additive for no less than 30 minutes. See col. 6, ll. 58-61.

Addressing claim 3, Crismore teaches glucose dehydrogenase for use in a glucose sensor wherein succinate is an additive added to the glucose dehydrogenase. See the abstract; Figures 1, 2, and 5; column 5, lines 60-67; and col. 6, ll. 41-61. Crismore does not mention that the additive is for stabilizing the enzyme; however, this feature is anticipated because it is a property inherent in succinate, as disclosed by applicant.

Addressing claim 4, for a glucose dehydrogenase composition containing a succinate see the abstract; Figures 1, 2, and 5; column 5, lines 60-67; and col. 6, ll. 41-61.

3. Claims 3 and 4 are rejected under 35 U.S.C. 102(e) as being clearly anticipated, with respect to claim 4, or anticipated, with respect to claim 3, by Wong et al.  
(US 6,077,660).

Addressing claim 3, Wong teaches glucose dehydrogenase for use in a glucose sensor wherein succinate is an additive added to the glucose dehydrogenase. See the abstract; Figures 1, 3, and 4; column 8, line 60 – col. 9, line3; and col. 11, ll. 1-31. Wong does not mention that the additive is for stabilizing the enzyme; however, this feature is anticipated because it is a property inherent in succinate, as disclosed by applicant.

Addressing claim 4, for a glucose dehydrogenase composition containing a succinate see the abstract; Figures 1, 3, and 4; column 8, line 60 – col. 9, line3; and col. 11, ll. 1-31.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX NOGUEROLA whose telephone number is (703) 305-5686. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JILL WARDEN can be reached on (703) 308-4037. The fax phone numbers for the

Application/Control Number: 09/406,832

Page 4

Art Unit: 1743

organization where this application or proceeding is assigned are (703) 308-7719 for regular communications and (703) 305-5433 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1193.



Alex Noguera

April 12, 2001



Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700